S.B.CIVIL WRIT PETITION NO.4867/2004.

Ganpat Rao Vs.State of Raj. And ors.

DATE OF ORDER : 02.03.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.Manoj Bhandari }
Mr.Ramesh Purohit } for the petitioner.
Mr.Rameshwar Dave, Dy.GA for the respondents.

Learned counsel for both the parties submit that the controversy involved in this case is squarely covered by the judgment rendered by Jaipur Bench of this Court in S.B.Civil Writ Petition No. 1243/2003, decided on 4.5.2004, in the case of Mohan Singh Vs. State of Rajasthan and others, reported in WLC 2004 Vol.3, page 413.

In terms of the above referred judgment, the writ petition is allowed in the following terms:-

1. The impugned Notification dated 7.8.98 (Annexure 6) to the extent it interferes with the accrued and vested rights of the petitioner and similarly situated employees in reducing the pay scale of Rs.6500-10500 to Rs.5500-9000 w.e.f. July 1, 1998, is declared ultra vires the Constitution of India and only to that extent, it stands quashed and set aside.

2.The petitioner unaffected by the impugned

Notification shall be entitled to retain the pay scale of Rs.6500-10500 and consequential monetary benefits, in view of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998, which were given effect from July 1, 1998.

3. The recovery order dated 13.03.2000 (Annexure 4) and cash challan dated 07.09.2000 (Annexure 5) are quashed and set aside and the respondents are restrained from making any recovery from the petitioner in pursuance of the recovery order dated 13.3.2000 (Annexure 4) and, if any recovery has already been effected, the entire recovered amount shall be refunded back to the petitioner within 30 days from the date of receipt of a certified copy of this Order.

4. There shall be no order as to costs.

(R.P.VYAS)J.

Anil/